

REMARKS

Claims 1-5 and 9-13 are now pending in the application, with claim 1 being independent. Claims 6-8 are canceled by this amendment without waiver or prejudice. Applicant thanks the Examiner for indicating that claims 3 and 10-12 contain allowable subject matter.

REJECTION UNDER 35 U.S.C. § 112

Claims 7 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. This rejection is rendered moot by the cancellation of claims 7 and 8.

REJECTION UNDER 35 U.S.C. § 103(a)

Claims 1, 2, 4, 5, 9 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maier et al. (DE3542263). Applicants have amended independent claim 1 to obviate this rejection. As amended, claim 1 recites a planer that includes, among other features, a flap movable from a first position where the flap closes the exhaust aperture to a second position where the flap does not close the exhaust aperture and a spring that biases the flap in the first position. Applicants respectfully request reconsideration and withdrawal of the rejection because Maier does not disclose or suggest a spring that biases a flap in a first position.

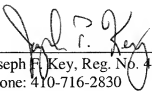
For at least this reason, Applicant respectfully requests reconsideration and withdrawal of the rejection of amended independent claim 1 and its dependent claims 2, 4, 5, 9 and 13.

Applicant submits that all claims are in condition for allowance.

Respectfully submitted,

Dated: September 19, 2006

By: _____


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